

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

Ralph Lynn Ferguson, Jr,	§	
	§	CIVIL ACTION NO. 1:17cv00295
v.	§	
	§	JURY REQUESTED
J. KEITH STANLEY,	§	
individually and as partner at	§	
FAIRCHILD, PRICE, HALEY & SMITH, LLP.	§	

**EMERGENCY PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S PLEADING DE 19**

Plaintiff, Ralph Lynn Ferguson, Jr. files this his Emergency Plaintiff's Motion to Strike Defendant's Pleading DE 19 and would show the court the following in support.

**A. INTRODUCTION**

Plaintiff is Ralph Lynn Ferguson, Jr.; defendant is J. KEITH STANLEY.

Plaintiff sued defendant for professional negligence, gross negligence, malice, intentional infliction of emotion distress and fraud.

**B. HISTORY**

Plaintiff obtained Clerk's Entry of Default which was forwarded to Defendant via this Court's order.

Defendant filed a response to the Clerk's Entry of Default with his DEFENDANT J. KEITH STANLEY'S MOTION FOR RELIEF FROM JUDGMENT AND/OR ORDER, DE 19.

Defendant filed his motion on March 26, 2020. Plaintiff's response is due 14 days from the service of said motion.

**B. ARGUMENT**

Plaintiff objects to Defendant's use of unpublished case law. A cite to "LEXIS" is a reference to

materials not publicly accessible. For such references even to begin to be meaningful, a full copy of the opinion for each "LEXIS" reference must be included.

Plaintiff moves the Court for relief from Defendant's intentional use of case law that he knows Plaintiff does not have access to.

Plaintiff a non-attorney pro se litigant sought relief from wrongs done in a public forum the courts.

Plaintiff objects to the use of private law in this public forum.

The use of non-publicly accessible case law is prejudicial to Plaintiff who does not use the courts as a place of business for profit and gain and thus can not afford the high price required to access the for profit privately published case law.

Plaintiff a private individual seeking remedy in a public forum filed this lawsuit. Defendant an attorney who uses the courts as a place to conduct business and knows the expense necessary for non-public case law such as but not limited to LEXIS. Defendant's use of non-publicly accessible case law is prejudicial to Plaintiff.

Plaintiff moves the Court to strike Defendant's pleading DE 19 for the use of non-publicly accessible case law in this public forum or in the alternative order Defendant to resubmit the pleading, DE 19, without the use of non-publicly accessible case law.

### **C. CONCLUSION**

Plaintiff moves the Court to strike Defendant's pleading DE 19 due to the Defendant's use of non-publicly published case law to which Plaintiff does not have access without considerable cost or in the alternative order Defendant to resubmit his motion without the use of non-publicly published case law.

Respectfully submitted,

By: Ralph Lynn Ferguson Jr  
Ralph Lynn Ferguson, Jr. Pro se  
1192 Highway 27  
DeRidder, Louisiana 70634  
ralphsemail@hushmail.com  
Phone: 337.462.2615

**CERTIFICATE OF CONFERENCE**

Plaintiff has not conferred with defendant J. KEITH STANLEY regarding this emergency motion.

Ralph Lynn Ferguson Jr  
Ralph Lynn Ferguson, Jr. Pro se

**CERTIFICATE OF SERVICE**

I certify that on April 3, 2020, a copy of Plaintiff's Emergency Plaintiff's Motion to Strike Defendant's Pleading DE 19 and proposed order was served on the following via USPS and email.

Daymon Jeffrey Rambin  
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Ralph Lynn Ferguson Jr  
Ralph Lynn Ferguson, Jr. Pro se

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**ORDER ON EMERGENCY PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S  
PLEADING DE 19**

After considering Plaintiff, Ralph Lynn Ferguson's motion to strike the Court **GRANTS** the motion and orders Defendants motion DE 19 be stricken from the record.